

May 12, 2020

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION NO. 2020-115

**RESOLUTION APPROVING AND AUTHORIZING A CONSENT LETTER
WITH VERIZON WIRELESS FOR CERTAIN MODIFICATIONS TO EQUIPMENT
MOUNTED UPON THE MONOPOLE TOWER LOCATED ON A PORTION
OF THE BOROUGH'S PROPERTIES AT 721-723 MAIN STREET**

Mayor Engelstad offered the following Resolution and moved its adoption:

WHEREAS, on November 25, 2003, the Borough of Bradley Beach (the "Borough") entered into a Lease Agreement with Sprint Spectrum, L.P. for the lease of an approximately 1,500 square-foot portion of the Borough's real properties located at 721-723 Main Street, and identified on the Tax Map of the Borough as Block 32, Lots 21, 22, & 23, for the erection, maintenance, and operation of a monopole cellular communications tower not to exceed 150 feet in height; and

WHEREAS, the initial term of the Lease Agreement was five years, during which term, lessee was required to pay annual rent of \$24,000 to the Borough, which annual rent increases by 15% with each successive five-year renewal of the Lease Agreement; and

WHEREAS, paragraph 2(b) of the Lease Agreement provides lessee with "the right to use whatever measures it deems reasonably appropriate to construct the communications monopole and antennas, and to install its related equipment, provided that it is in compliance with all applicable laws and regulations"; and

WHEREAS, paragraph 2(f) of the Lease Agreement provides that lessee "shall have the right, at its own expense, to erect, construct or make any reasonable improvements, alterations or additions upon or to the Premises required for Lessee's use according to Lessee's Plan as shown on Exhibit B when approval is granted, as provided herein, provided Lessor agrees to such improvements, alterations or additions, Lessee shall obtain Lessor's consent, not to be unreasonably withheld or delay (and in no event delayed beyond forty-five (45) days), upon submission of new Plans to Lessor, which shall still be subject to administrative review by the Municipal Engineer and Planning Departments, provided such subsequent improvements do not interfere with Lessor's use of the Property and Premises"; and

WHEREAS, Verizon Wireless is now the successor-in-interest to Sprint Spectrum, L.P. under terms of the Lease Agreement; and

WHEREAS, by letter dated March 31, 2020, Verizon Wireless submitted a request for proposed modifications to its cellular equipment mounted on the monopole tower pursuant to paragraph 2(f) of the Lease Agreement; and

WHEREAS, as provided in paragraph 2(f) of the Lease Agreement, the Borough Engineer reviewed the proposed modifications submitted by Verizon Wireless for approval; and

WHEREAS, after review of the modifications proposed by Verizon Wireless, the Borough Engineer did not anticipate any impact(s) from the change in equipment, and determined that the proposed modifications do not interfere with the Borough's use of the subject properties;

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey hereby approve the Consent Letter with Verizon Wireless and the Mayor is hereby authorized to execute the Consent Letter, which Consent Letter is attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that a copy of this Resolution, together with the executed Consent Letter, shall be forwarded to the Administrator, Clerk, CFO, Borough Engineer, and Crown Castle (as agent for Verizon Wireless).

Seconded by Councilman _____ and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Bonnell				
Mr. Gubitosi				
Mr. Sexsmith				
Mr. Weber				
Mayor Engelstad				

CERTIFICATION

I, Erica Kostyz, Municipal Clerk of the Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the May 12, 2020 meeting.

ERICA KOSTYZ, RMC, CMR
Municipal Clerk